

REMARKS

Reconsideration of the action mailed October 10, 2003, is requested in light of the following remarks.

The Examiner rejected claims 1-6, 12-19, and 25-26 under U.S.C. §102(e) as being anticipated by U.S. Patent 6,397,246 ("Wolfe").

The Examiner rejected claims 7-11 and 20-24 under U.S.C. §103(a) as being unpatentable over Wolfe in view of U.S. Patent Application 2002/0010746 ("Jilk").

I. Section 102(e) rejections

Claim 1 was rejected as anticipated by Wolfe. Applicant respectfully traverses the rejection. Claim 1 recites "a computer executable for processing a file of a first file type." Wolfe does not describe a computer executable for processing a file. The Examiner cites the abstract, which reads, in part:

[M]ethods and systems for processing a file request, such as a URL request for a web page. A computer system, such as a proxy server, receives a request from a client computer for a file at a file path location, such as a Universe Resource Locator (URL), in a network. A request attribute associated with the request from the processing system is determined. Rule information indicating at least one substitute file, e.g., web page, and an attribute associated with each substitute file is processed to determine whether the determined request attribute matches an attribute associated with one substitute file. The substitute file associated with the attribute that matches the request attribute is retrieved after determining that the request attribute matches the attribute associated with the substitute file. The retrieved substitute file is then returned to the processing system via the network. (Emphasis added).

Wolfe does not disclose the processing of a file. Wolfe describes processing a file request, such as a URL, using a proxy server which receives the file request. The request is processed to determine an applicable substitute advertising file based on the processing of the request, and the substitute file is returned to the file requestor. Wolfe describes the processing of

a file request such as a URL, not the processing of a file. A URL can point to a file, but itself only describes a location of a resource, for example, a web page address. The substitute file is simply retrieved and forwarded without any processing performed on the file itself.

Claim one also recites "a HTTP client that receives files of the first type and a second type from a network, the HTTP client causing the computer executable to process files of the first type." The Examiner cites FIGS. 3a and 3b as well as lines 51-60 of column 5, which read:

FIGS. 3a, b illustrate logic implemented in the proxy server program 16 to process a request for a document at a URL from the client 8. In preferred embodiments, the information client 14 submits a request using the HTTP protocol, such as the HTTP GET command, for a document at a particular URL. Control begins at block 30 which represents the proxy server program 16 processing a URL request. As discussed, the proxy server program 16 includes both HTTP server and client protocols to process both requests from the client 8 and submit requests to other servers 4a, b, c.

Wolfe describes logic for processing a received request from a client using the HTTP protocol. Wolfe does not describe a client that receives files of a first and second type from a network. Further, Wolfe does not describe a computer executable that processes the received files of a first type, and in particular not a computer executable that includes modules that determine whether the received file includes a first or a second content type and accordingly perform a first or a different second function, as recited in claim 1. Since Wolfe does not describe the recited elements of claim 1, Wolfe does not anticipate claim 1. For at least the foregoing reasons, Applicant respectfully submits that claim 1, as well as claims 2-13 which depend from claim 1, are in condition for allowance.

Claims 2 and 16 were rejected as anticipated by Wolfe. Applicant respectfully traverses the rejection. Claim 2 recites "the first content type includes a set of instructions and the first module executes the instructions." Similarly, claim 16 recites "the first content type includes a set of instructions and the first function executes the instructions." Wolfe does not describe the first content type of a file including a set of instructions or the execution of the instructions. The Examiner cites lines 10-24 of column 2, which read, in part:

[A] method and system for processing a file request. A request is received from a client computer for a file at a file path location in a network. A request attribute associated with the request from the client computer is determined. Rule information indicating at least one substitute file and an attribute associated with each substitute file is processed to determine whether the determined request attribute matches an attribute associated with one substitute file.

The cited section describes the processing of a file request using rules. The rules are used to determine whether or not to substitute a file request with an advertisement. For example, if a URL request is for a specific web page and from a particular DNS location at a designated time, then the rule indicates what substitute file can be retrieved in place of the URL request. The rules are not instructions contained within a received file; instead, the rules are included within the request processing system. Since Wolfe does not anticipate the recited elements of claims 2 and 16, Wolfe does not describe claims 2 and 16. For at least the foregoing reasons, Applicant respectfully submits that claims 2 and 16, as well as claims 3-8 and 17-21 which depend from claims 2 and 16 respectively, are in condition for allowance.

Claims 3 and 17 were rejected as anticipated by Wolfe. Applicant respectfully traverses the rejection. Claims 3 and 17 recite "the instructions causing the extraction module to extract information from the computer." The Examiner cites lines 7-14 of column 4, which read:

The information server 12 included in the servers 4a, b, c may be the HTTP server protocol or any other file retrieval software known in the art. The HTTP server protocol is described in "Hypertext Transfer Protocol--HTTP/1.1," Network Working Group, Request for Comments No. 2068 (January, 1997), which publication is incorporated herein by reference in its entirety.

The cited section simply states that the servers use the HTTP server protocol for network communication. More generally, this section is part of the description of FIG. 1, in which Wolfe describes a system architecture where a proxy server intercepts and processes requests transmitted by a client to an information server using the HTTP protocol. Wolfe describes processing a request for a file, not the processing of the file itself, and consequently Wolfe does

not describe instructions, included within a received file, that are executed to extract information from a computer. Since Wolfe does not describe the recited element of claims 3 and 17, Wolfe does not anticipate claims 3 and 17. For at least the foregoing additional reason, Applicant respectfully submits that claims 3 and 17, as well as claims 4-8 and 18-19 which depend from claims 3 and 17 respectively, are in condition for allowance.

Claims 4 and 12 were rejected as anticipated by Wolfe. Claim 4 recites "transmitting the extracted information by generating a HTTP request containing the information and sending the HTTP request over the network." Similarly, claim 12 recites "an HTTP module that generates a hypertext transfer protocol method for sending the extracted information over a network." The Examiner cites lines 50-60 of column 1, which read in part: "when an Internet user requests a file from an HTTP server in the form of an HTML Web page, the HTTP server transmits the user the requested HTML Web page including URL links to various advertisers." The cited section describes simple network communication in which a client browser communicates with a server for delivery of a web page. Wolfe does not describe the generation of an HTTP request that includes information extracted from a computer based on instructions from a received file. Further, Wolfe does not disclose sending extracted computer information over a network. Since Wolfe does not describe the recited elements of claims 4 and 12, Wolfe does not describe claims 4 and 12. For at least the foregoing reasons, Applicant respectfully submits that claims 4 and 12 are in condition for allowance.

Claim 14 was rejected as anticipated by Wolfe. Claim 14 recites "determining a computer executable associated with the file based on the information about the type of the file" and "causing the computer executable to process the file." The Examiner cites the abstract, which reads, in part:

[M]ethods and systems for processing a file request, such as a URL request for a web page. A computer system, such as a proxy server, receives a request from a client computer for a file at a file path location, such as a Universe Resource Locator (URL), in a network. A request attribute associated with the request from the processing system is determined. Rule information indicating at least one substitute file, e.g., web page, and

an attribute associated with each substitute file is processed to determine whether the determined request attribute matches an attribute associated with one substitute file. The substitute file associated with the attribute that matches the request attribute is retrieved after determining that the request attribute matches the attribute associated with the substitute file. The retrieved substitute file is then returned to the processing system via the network.

Wolfe describes processing a file request using a proxy server that receives a file request. The request is processed to determine an applicable substitute advertising file, and the substitute file is returned to the file requestor. Wolfe does not describe the determination of a computer executable associated with a particular received file based on information about the type of the file. Furthermore, Wolfe does not describe processing a file. Wolfe either retrieves a substitute file or the requested file and then forwards either file to the requesting client. Since Wolfe does not describe the cited elements of claim 14, Wolfe does not anticipate claim 14. For at least the foregoing additional reasons, Applicant respectfully submits that claim 14, as well as claims 15-26 which depend from claim 14, are in condition for allowance.

II. Section 103(a) rejections

Claims 7 and 20 were rejected as unpatentable over Wolfe in view of Jilk. Claim 7 recites "the instructions cause the first module to install computer software on a computer." Similarly, claim 20 recites "the instructions cause the computer executable to install computer software on the computer." The Examiner agrees that Wolfe does not describe the recited elements of claims 7 and 20. The Examiner cites paragraph 110 of Jilk, particularly a portion that reads: "the mailer 527 transmits the HTTP request and waits for a response. The Web server 507 locates the requested page or executes the specified application program to generate the response page. In some cases, an application program in Web server 507 inserts additional URL requests in the Queue through queue link 510." The cited section of Jilk does not describe instructions contained within a received file that cause the installation of computer software onto a computer. Waiting for a response to a request, generating a response page, and inserting URL

Applicant : James D. Pravetz
Serial No. : 09/624,936
Filed : July 25, 2000
Page : 11 of 11

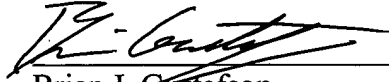
Attorney's Ticket No.: 07844-431001 / P395

requests do not constitute the installation of software based on instructions contained within a received file. Since neither Wolfe nor Jilk describe or suggest the recited elements of claims 7 and 20, neither Wolfe nor Jilk suggest claims 7 and 20. For at least the foregoing reasons, claims 7 and 20 are in condition for allowance.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 01/12/04



Brian J. Gustafson
Reg. No. 52,978

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50190143.doc